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Attorney for CARL GLEN PLA

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

203-cr-286-LRH-LRL

**MOTION FOR WAIVER OF  
DEFENDANT'S PRESENCE FOR RE-  
SENTENCING**

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
CARL GLEN PLA,  
Defendant.

COMES NOW, the Defendant, CARL GLEN PLA, through his counsel, Shari L. Kaufman, Assistant Federal Public Defender, hereby moves this Court for an Order that Mr. Pla's presence be waived for his re-sentencing and that the defendant Pla be allowed to attend this re-sentencing telephonically.

DATED this 10<sup>th</sup> day of May, 2006.

FRANNY FORSMAN  
Federal Public Defender

/s/ Shari L. Kaufman  
By: \_\_\_\_\_  
SHARI L. KAUFMAN  
Assistant Federal Public Defender

1                   **FACTS AND PROCEDURAL BACKGROUND**

2                   On December 9, 2005, the Court of Appeals for the Ninth Circuit issued a Order  
3 remanding the Judgement of defendant Carl Pla. On December, 27, 2005, an Order as to the remand  
4 or Mr Pla set a Telephonic Status Conference for January 5, 2006 before this Honorable Court. On  
5 January 6, 2006, was held before this Honorable Court. Counsel was advised to provide this Court  
6 with a Waiver of Defendant's Presence in regards to re-sentencing and that the defendant be allowed  
7 to participate telephonically. See attached as Exhibit A -Defendant Pla's Affidavit.

8

9                   **CONCLUSION**

10                  Defendant Pla respectfully requests that his presence for the re-sentencing on remand  
11 for the instant matter be waived and that he be allowed to be present telephonically for this re-  
12 sentencing hearing.

13                  DATED this 10<sup>th</sup> day of May, 2006.

14                  Respectfully submitted,

16                  /s/ Shari L. Kaufman

17                  SHARI L KAUFMAN  
18                  Assistant Federal Public Defender  
                        Counsel for Defendant Pla

19                  **IT IS SO ORDERED:**

20                  

23                  LARRY R. HICKS  
24                  UNITED STATES DISTRICT JUDGE

25                  DATED: May 10, 2006.